

Serial No.: 10/766,508
Attorney Docket No.: 8B12.1-011
PATENT

REMARKS

The Office Action mailed October 6, 2004, has been received and reviewed. By the present Response, Claim 5 is canceled, Claims 1 - 3, 6, 8 and 10 are amended, and new Claims 13 - 21 are added. Currently pending in the application, then, are Claims 1 - 4 and 6 - 21, of which Claims 1 and 6 are independent. No new matter is introduced by the present Response. All claims are now believed to be in condition for allowance for the reasons set forth below.

Claim Rejections Under 35 U.S.C. § 103

Claims 1 – 12 stand rejected as being unpatentable over McCollough (U.S. Patent No. 933,384) in view of Atkinson (U.S. Patent No. 436,112). Claim 5 is canceled. With respect to the remaining claims, the Applicant respectfully traverses.

Claim 1 as amended defines the roof supports being *removable from both the feed assembly and the roof* and configured to fit *entirely* within the feed box. With the roof supports entirely within the feeder box, the roof can be *folded flat* and positioned onto the *flat top* of the box like a lid, as recited in amended Claim 2. In this way, the feeder can be disassembled into a compact unit with the roof supports inside the feeder box for portability (see FIGS. 11 and 12).

On the other hand, the roof of Atkinson is hinged so that the roof panels can be lifted to horizontal (see FIG. 1 of Atkinson) to provide access to add feed. But the roof is fixedly mounted to the roof supports for use in that location. Atkinson includes no disclosure, suggestion, or motivation for providing a hinged roof that can be removed from roof supports and then folded flat for use as a lid for a feeder box. In addition, the roofs and roof supports of the cited references are designed to be fixed and permanent after the initial installation. And even if they were laboriously taken apart, only a *portion* of their roof supports could be inserted into their feed boxes, but not the roof supports in their *entirety*. Neither of the cited references discloses or suggests roof supports that

Serial No.: 10/766,508
Attorney Docket No.: 8B12.1-011
PATENT

can be disassembled and placed entirely within the fee box *in combination with* a roof that can be disassembled and positioned on the box as a lid.

It should be noted that the Applicant intended, and still maintains, that the terms "detachably coupled," "removably attached," and similar terms used in the application mean that the stated structures can be quickly and easily connected together for temporary use in an initial installation, then quickly and easily disconnected for portability, and repeatedly assembled and disassembled multiple times. This is in stark contrast to the cited references, which have roofs and roof support structures that are designed to be fixed in a single location after the initial installation. Sure, these roofs and roof supports could be assembled and then later broken down, but only with significantly more time and effort by pulling out nails, screws, etc. This is disadvantageous for a portable feeder, and providing a feeder that is portable is the primary objective of the present invention.

For these reasons, Claims 1 and 2 are believed to now be in condition for allowance. Claims 3 and 4 are dependent from Claim 1 and are therefore also believed to now be allowable.

Claim 6 as amended defines similar subject matter as Claim 1, but without reciting the support frame and removable legs, and with additional claim language regarding the quick and easy assembly and disassembly of the feeder described above. The Applicant submits that this claim as amended is in condition for allowance, and accordingly that dependent Claims 7 – 21 are now allowable too.

In addition, new Claims 13 – 15 define additional structural details of the removable legs. In particular, the telescopically coupled legs provide for quick and easy attachment, detachment, and storage entirely within the feeder box. This feature is not found in the cited references and helps makes the feeder easy to use and portable. And the "leg attachment elements" are added to clarify that the "legs" can be telescopically received by "hollow stubs" or other "leg attachment elements" (see FIGS. 2 - 4), or vice versa.

Serial No.: 10/766,508
Attorney Docket No.: 8B12.1-011
PATENT

Furthermore, Claim 8 is amended, and new Claims 16 – 21 are added, to define additional details of the roof supports. The roof supports of McCollough are conventional fixed rafters, with a first set of rafters parallel to each other and having the same first slope, and a second set of rafters parallel to each other and having the same second slope, with the rafters supporting a roof along their lengths.

On the other hand, Claims 8 and 16 – 21 recite elements of the roof supports that are innovative and nowhere found in the cited references. These elements are all included in the application as filed (see FIGS. 1 and 7 – 11 and paragraphs 28 and 29 of the specification).

In particular, the central segments of the roof supports are generally vertical (Claims 16 and 20). Two top segments and two bottom segments each extend from the central segment, are angled from the central segment, and are angled from each other (Claims 16 and 17), with all of these segments lying in the same plane (Claim 20). A third top segment is removably attached to the central segment, and it is angled from the central segment and the other two top segments (Claim 16 and 19). Thus, the third top segment does not lie in the same plane as the other segments (Claim 20), but instead extends over the box toward the opposite roof support (Claim 21).

Miscellaneous Remarks

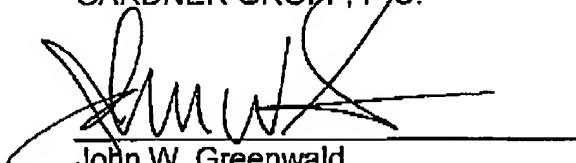
In addition to the above, a few formal amendments are made hereby. In Claims 1 and 6, the "feed assembly" is added, it includes the "feeder box," and it has the "roof supports" removably attached to it. This adds no new matter — the change is made because it is not important which specific component of the feeder the roof supports are removably attached at their lower ends. Accordingly, this amendment does not narrow the scope of the claims. Other minor formal amendments are made, and they are self-explanatory.

Serial No.: 10/766,508
Attorney Docket No.: 8B12.1-011
PATENT

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all pending claims are now in condition for allowance, and the applicant requests a Notice of Allowance be issued in this case. Should there be any further questions or concerns, the Examiner is urged to telephone the undersigned to expedite prosecution.

Respectfully submitted,
GARDNER GROFF, P.C.



John W. Greenwald
Reg. No. 41,803

GARDNER GROFF, P.C.
Paper Mill Village, Building 23
600 Village Trace, Suite 300
Marietta, GA 30067
Phone: (770) 984-2300
Fax: (770) 984-0098

W:\Client\Files\AAG Clients\8B12 Banks, Lamar\8B12.1-011019.pat (Response to OA).doc